IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.950 OF 2006
IN
SUIT NO.2061 OF 2005

Champalal Gambhirmal Bafna. ..Plaintiff.

V/s.

1) Mrs. Parvati, wd/o Holaram Gangwani & Ors. ..Defendants.

And

1(a) Smt.Sarojini Naraindas Talreja & Ors. ..Respondents.

Mr.S.C.Jodhavat for applicant.

Ms.Neena A.Bharwani for defendant.

Mr.R.S.Darandale i/b. R.D.Legal for respondent Nos.4 and 5.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 20, 2007.

P.C. :

1. Heard counsel for the parties.

2. This Chamber Summons is opposed by the respondents' counsel on the limited count that names of the respondents should be shown in the suit as party defendants and not as heirs and legal representatives of the defendant No.1, as is noted in the Chamber Summons. This submission is advanced in the backdrop that the sons of deceased defendant No.1

have been arraigned as separate defendants in the suit as defendant Nos. 2 to 6. It is argued that the respondents being daughters are co-owners alongwith defendant Nos. 2 to 6. In my opinion, however, that is the matter to be adjudicated in the suit. For the time being, there can be no dispute that the respondents being daughters of deceased defendant No.1 will have to be brought on record as heirs and legal representatives of defendant No.1. The description will not make any difference to the claim of either defendants already on record or the respondents, who will now be brought on record as heirs and legal representatives of defendant No.1. Those aspects will have to be considered at the appropriate stage in the main proceeding. Those questions are left upon.

3. Chamber summons is made absolute in terms of prayer clause (a) on the above terms. No order as to costs.

4. Amendment to be carried out within two weeks.